

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK POISSON,

Plaintiff,

Case No. 11-14210

v.

Hon. John Corbett O'Meara

CITY OF DETROIT, a municipal corporation;
OFFICER ARTHUR DUDAL, individually; and
OFFICER JOSE ORTIZ, individually,

Defendants.

ORDER OF PARTIAL DISMISSAL

On September 23, 2011, Plaintiff filed his complaint alleging the following causes of action: Count I, violation of 42 U.S.C. § 1983; Count II, assault and battery; Count III, state law malicious prosecution; Count IV, gross negligence; and Count V, intentional infliction of emotional distress.

Although alleged civil rights violations brought pursuant to 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994); Cerrito v. Charter Twp. of Clinton, 2008 WL5068603 (E.D. Mich. Nov. 19, 2008).

Accordingly, IT IS HEREBY ORDERED that Counts II-V of Plaintiff's complaint are

DISMISSED WITHOUT PREJUDICE.

s/John Corbett O'Meara
United States District Judge

Date: September 29, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 29, 2011, using the ECF system.

s/William Barkholz
Case Manager